

STATE'S RESPONSE TO DEFENDANT'S MOTION TO SET FOR RESTITUTION HEARING AND ORDER

If a defendant fails to challenge the amount of restitution ordered at sentencing, the defendant waives his right to contest the restitution amount ordered.

The State of Arizona, by and through undersigned counsel, requests this Court to deny the defendant's Motion to Set For Restitution Hearing. The amount of a victim's loss is normally determined as part of sentencing, and that is the point at which the defendant may object to the amount of restitution or request a restitution hearing. The defendant waives his right to contest the restitution amount by failing to object at sentencing to the amount ordered. *State v. Steffy*, 173 Ariz. 90, 93, 839 P.2d 1135, 1138 (1992). In this case, restitution was set at the time of sentencing and the defendant did not oppose that amount. Because the defendant waived the right to contest the restitution, the State opposes any restitution hearing being set. Therefore, the State asks this Court to deny the defendant's motion to set a restitution hearing and to allow the restitution award to stand.